

44, originated after the death of the deceased, and ought not to be allowed; and in conclusion said, that he understood a distribution of personal estate had been made by the deceased's administrator; but no dividends were credited on *George and John Barber's* claim, No. 1; *John W. Duvall's*, No. 5, *Charles T. Flusser's*, No. 7; *Henry Hammond's*, No. 8; *A. & J. Miller's*, Nos. 13, 14, 35 and 44; *Joseph Phelps's*, No. 16; *John Randall & Son's*, No. 27; *C. Salmon's*, No. 32; *George Shaw's*, No. 33; *Anderson Warfield's*, No. 37; *George Wells's*, Nos. 39, 40, 41 and 42; or *Henry Wilmot's*, No. 43. Upon this report of the auditor, the case was submitted, as to all such matters as were not controverted.

15th May, 1830.—BLAND, Chancellor.—Ordered, that the report of the auditor be, and the same is hereby ratified and confirmed; and the trustee is directed to apply the proceeds accordingly. Bnt all claims to which any objections whatever have been made, as therein mentioned, are hereby reserved until further order.

On the 18th May, 1830, the claimant, *James Deale*, excepted to this report; *first*, because it did not appear from any part of the proceedings, that *Beale M. Worthington* was surety for *William Warfield*; and if *Worthington* was a surety, it was not necessary to prove the insolvency of *Warfield*; and *second*, because the affidavits of *Duvall* and *Welch*, afford sufficient evidence of such insolvency. And on the 20th of May, 1830, *The Farmers' Bank of Maryland*, a creditor, also excepted to this report; *first*, because there was no evidence that *Beale M. Worthington* was surety on the notes which are the foundations of said claims; and did not receive a valuable consideration thereof; and *second*, because if he was, the proof was sufficient of the insolvency of the other parties. And on the same day, *George Wells*, a creditor, in like manner excepted; *first*, because if the objections to claims Nos. 3, 18, 19, 20, 21, 25 and 26 be valid, the estate would be released from the said endorsements; and therefore, the auditor's reasons for rejecting the exceptant's claims would cease; and *second*, because if the objections to Nos. 3, 18, 19, 20, &c. should be over-ruled, it does not appear that this claimant had notice at the time of the assignment, of said endorsements.

10th June, 1830.—BLAND, Chancellor.—This case standing for hearing, on the exceptions to the auditor's report, the solici-